REMARKS

In this response, no claims have been amended, and no claims have been added or canceled. Thus, claims 1-51 remain pending. The Office Action issued by the Examiner has been carefully considered by Applicant.

Claims 1-3, 5-6, 8, 14-16, 18, 24, 34, 39-41, 43-45, 48, and 49 have been rejected under 35 U.S.C. 102(e) as being anticipated by Clare et al. (U.S. Patent No. 6,414,955) (hereinafter Clare).

The Examiner has stated that Clare discloses distributing storage and processing of the collected data. However, Applicant emphasizes that the overall specification provided by Clare is directed to a method for learning the topology of a wireless network (col. 3: lines 35-37). In other words, Clare describes a method by which nodes may self-organize in a distributed fashion. In contrast to this self-organization method, Clare does not at all discuss any details regarding distribution and processing of data collected from sensors and instead makes only occasional, brief mentions regarding the inclusion of sensors on the network nodes.

More specifically, Clare describes that "distributed" refers to the decentralized manner in which the network self-organizes (i.e., the network does not need to be under central control to self-organize) (col. 3: lines 37-41). Accordingly, the distributed operation of the network in Clare refers to communication between inviting and new nodes as occurs during organization of the network. In this regard, Clare describes communication between nodes in the network that occurs during this organization (see, e.g., col. 8: lines 49-51). Further, Clare describes that communication schedules are shared amongst nodes so that radio communication interference is avoided (see, e.g., col. 9: lines 24-32; and col. 13, lines 2-8).

Clare describes that after the topology associated with a new node that joins the network is learned, information about the topology is disseminated to the network (col. 14: lines 13-16). Clare describes the new node as now being a member node of the network (col. 14: line 25), and that the new node characterization method may then be repeated to add other new nodes (col. 14: lines 26-28).

The above concludes the overall description provided by Clare. Notably, although Clare describes that each node may contain one or more sensors 12 to sense local environmental conditions (col. 18: lines 36-38), and that data collected by these sensors may be stored and processed on the node (i.e., local node processing of sensor collected data) (col. 18: lines 42-56), Clare does not anywhere discuss that the data collected from the sensors be distributed to yet other nodes in the network for processing of the collected data.

Clare does describe that microprocessor 20 can control and schedule communications with other nodes (col. 18: lines 56-60), yet this communications is clearly referring to the topology learning method described throughout the full extent of Clare and the sharing of communication scheduling required to implement the topology learning method. Also, Clare describes that DSP 18 or microprocessor 20 may process signal data acquired by the sensors "on the node" (col. 20: lines 28-50). Yet, nowhere does Clare describe that collected data from sensors is distributed through at least some other nodes in the network for purposes of processing the collected data.

In support of the position that Clare does show distributed processing, the Examiner has cited col. 16, lines 5-16, which describes a "sink" or connection to the network permitting access by a user. Clare describes that the user may want to tap the network for information without disturbing the topology (col. 16: lines 13-15). Clare gives an example of user access in which the user sends a "power down for five minutes" or "all sensors to maximum alert activity" message (col. 15: lines 10-20). However, Clare does not describe any information sent to the user as being collected data from a sensor.

Applicant respectfully requests the Examiner to note that Applicant's claim 1 recites "collecting data from the at least one environment" (emphasis added) and "distributing storage and processing of the collected data". Applicant respectfully submits that the Examiner is confusing environment data with the node communication scheduling data transferred between nodes described by Clare. Although some data may be sent to the user, Clare does not at all teach that this data has been collected from an environment. Therefore, Clare clearly cannot anticipate Applicant's claim 1.

The Examiner has cited col. 6, lines 19-21, of Clare, which discusses that sensors may detect vibration, seismic signals, infrared signals . . . or any other detectable physical phenomena, as teaching the step of "collecting data from the at least one environment". But the Examiner has not presented how Clare teaches distributing processing of this collected data. All of the Examiner's references to Clare's teachings of distribution of information are related to node information for purposes of network self-organization rather than to environment data.

In addition to reciting the step of "distributing storage and processing", Applicant's claim 1 recites that this step is performed "in response to the node information" (emphasis added). The Examiner has asserted that Clare shows node resource information such as "identity, location, communication and interference neighbors, etc.". Yet, if the patent could "speak" to one of ordinary skill in the art, it would clearly say that this information is associated with the topology learning method described throughout Clare (indeed, there is essentially nothing else to Clare's description other than this topology learning method).

The Examiner has not addressed how Clare teaches that information associated with a topology learning method causes distributed processing of collected data from an environment in response thereto. Clare makes no such connection between topology learning node information and data collected from the sensors, and the Examiner has not provided any example clearly presented by Clare. Clare could not be considered to make any such connection because Clare is directed to learning a network topology, and not to

distributing processing of environment data. Certainly, Clare does not explicitly describe such a connection as would support the anticipation rejection made here by the Examiner.

In light of the above arguments, Applicant requests that the anticipation rejection of claim 1 be withdrawn.

Claim 42 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Official Notice.

Applicant made a full prior response with respect to claim 42 as required under 37 CFR 1.111(b), in that Applicant pointed out specific distinctions believed to render claim 42 patentable (i.e., through its dependency upon independent claim 1). In that the Official Notice of the Examiner is moot (i.e., not necessary to the making of Applicant's prior response regarding claim 42), Applicant asserts that a challenge to such Notice is not required at this time. Whether a challenge is seasonable must take into account whether a challenge to Official Notice is necessary to Applicant's response. Here, that is not the case. Further, the policy goals of the U.S. Patent and Trademark Office to reduce application pendency are best served by not unnecessarily requiring legal argument from Applicant or the Examiner where such argument is legally moot at the time of response.

To the extent that may be required to respond to the Examiner's assertion regarding Official Notice, Applicant challenges the Notice as being too sweeping in that the use of public key encryption is not well known for use in a distributed storage and processing network that collects data from an environment and requests that the Examiner provide a supporting reference as to the suggestion of the application of encryption in this context.

Conclusion

In view of the above, Applicant respectfully requests reconsideration of this application and the allowance of all pending claims. To the extent not discussed above, Applicant incorporates by reference all of its arguments from Applicant's prior response mailed May 9, 2006.

Applicant also notes that it is not proper to refer to the description provided in the Gelvin disclosure in making the obviousness-type double patenting rejection stated in the current Office Action. Rather, a prior art reference should be cited in support of a proper rejection.

It is respectfully submitted that the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

If it is helpful to advance prosecution of this application, Applicant's representative welcomes a telephone call at the number below to discuss this response.

Respectfully submitted,

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